

JS 44 (Rev. 06/17)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

LOPEZ JONES

(b) County of Residence of First Listed Plaintiff

(EXCEPT IN U.S. PLAINTIFF CASES)

Philadelphia

(c) Attorneys (Firm Name, Address, and Telephone Number)

Anthony L. Cianfrani, Esq.
Cianfrani Law, LLC
Suite 404, 3525 Locust Street
Philadelphia, PA 19134 215-992-1241

DEFENDANTS PHILADELPHIA CITY CONTROLLER

REBECCA RYNHART

County of Residence of First Listed Defendant

(IN U.S. PLAINTIFF CASES ONLY)

Philadelphia

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	PROPERTY	OTHER
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609 <input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Brief description of cause:

WRONGFUL TERMINATION BASED UPON PLAINTIFF'S POLITICAL ASSOCIATION

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$ 400,000.00

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

DATE

2-15-18

JUDGE: Hon. JOEL SLOWSKY

SIGNATURE OF ATTORNEY OF RECORD

DOCKET NUMBER

18-0279

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: 5905 N. Leithgow Street Philadelphia, PA 19120

Address of Defendant: Suite 1230, 1901 John F. Kennedy Blvd Philadelphia, PA 19121

Place of Accident, Incident or Transaction: The City of Philadelphia.
(Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?
(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a)) Yes ☐ No ☒

Does this case involve multidistrict litigation possibilities?

Yes ☐ No ☒

RELATED CASE, IF ANY:

Case Number: _____ Judge _____ Date Terminated: _____

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court? Yes ☐ No ☒
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court? See 18-0279 FRANK OLIVER, JR. Yes ☐ No ☒
3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court? Rebecca RYNHART. Yes ☒ No ☐
4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual? Yes ☐ No ☒

CIVIL: (Place ☒ in ONE CATEGORY ONLY)

A. Federal Question Cases:

1. ☐ Indemnity Contract, Marine Contract, and All Other Contracts
2. ☐ FELA
3. ☐ Jones Act-Personal Injury
4. ☐ Antitrust
5. ☐ Patent
6. ☐ Labor-Management Relations
7. ☒ Civil Rights
8. ☐ Habeas Corpus
9. ☐ Securities Act(s) Cases
10. ☐ Social Security Review Cases
11. ☐ All other Federal Question Cases
(Please specify) _____

B. Diversity Jurisdiction Cases:

1. ☐ Insurance Contract and Other Contracts
2. ☐ Airplane Personal Injury
3. ☐ Assault, Defamation
4. ☐ Marine Personal Injury
5. ☐ Motor Vehicle Personal Injury
6. ☐ Other Personal Injury (Please specify)
7. ☐ Products Liability
8. ☐ Products Liability — Asbestos
9. ☐ All other Diversity Cases

(Please specify) _____

ARBITRATION CERTIFICATION

(Check Appropriate Category)

- I, Anthony L. Gianfrani, counsel of record do hereby certify:
- ☐ Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;
 - ☐ Relief other than monetary damages is sought.

DATE: 2-15-18

Attorney-at-Law

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

Attorney I.D.#

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 2-15-18

Attorney-at-Law

Attorney I.D.#

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CASE MANAGEMENT TRACK DESIGNATION FORM

LOPEZ JONES

CIVIL ACTION

v.

Rebecca RYNHART

NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ()
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ()
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ()
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ()
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ()
- (f) Standard Management – Cases that do not fall into any one of the other tracks. ()

2-15-18
Date

Anthony L. Cianfrani, Esq.
Attorney-at-law

Plaintiff: Lopez Jones
Attorney for

215-922-1241

215-207-9692

Anthony.Cianfrani@barr.com

Telephone

FAX Number

E-Mail Address

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

LOPEZ JONES

Plaintiff

vs.

REBECCA RHYNHART

Defendant

)
)
)
)
)
)
)

Civil Action No.:

JURY TRIAL DEMANDED

CIVIL COMPLAINT

JURISDICTION

1. Jurisdiction in this matter is based upon 42 U.S.C. 1983; 28 U.S.C 1331 & 1343 & (a)(4).

PARTIES

2. Plaintiff Lopez Jones is an adult individual residing at 5905 N. Leithgow Street, Philadelphia, Pennsylvania 19120. He is a citizen of the United States of America and a resident of the Eastern District of Pennsylvania.
3. Defendant Rebecca Rhynhart is an adult individual with a principal place of business at 1230 Municipal Services Building, 1401 John F. Kennedy Boulevard Philadelphia, Pennsylvania 19102.
4. Defendant Rebecca Rhynhart is being sued in her individual and official capacity. At all times relevant hereto, she was the elected Controller of the City of Philadelphia.
5. At all times relevant hereto, Defendant was acting under color of law, to wit: under color of the statutes, ordinances, regulations, policies, customs, and usages of the Commonwealth of Pennsylvania and the City of Philadelphia.

FACTS

6. During the period from October 21, 2006 to December 28, 2017, Plaintiff Lopez Jones, Jr. was a salaried employee of the Office of the Philadelphia City Controller. His final position was Contract Compliance Officer, which required him to review and approve contracts involving City of Philadelphia governmental agencies.
7. Prior to his discharge, as described herein below, Plaintiff Lopez Jones performed his duties in a professional and proficient manner. He received positive performance evaluations and had a good attendance record.
8. Plaintiff Lopez Jones did not make policy for the Office of the Philadelphia City Controller.
9. In the performance of his duties as Contract Compliance Officer for the Office of the City Controller of the City of Philadelphia, Plaintiff Lopez Jones did not establish a confidential relationship with the former elected City Controller. Moreover, Plaintiff Lopez Jones was not a confidant of former City Controller, Alan Butkovitz.
10. Performance of the job duties of Contract Compliance Officer of the Office of the Philadelphia City Controller does not require the existence of a confidential relationship between the Contract Compliance Officer and the elected City Controller.
11. Performance of Plaintiff's job duties as Contract Compliance Officer of the Office of the Philadelphia City Controller did not require any particular political affiliation.

12. From approximately 1982 until 2017, Plaintiff's mother in law, Vivian Miller was the elected leader of the Philadelphia Democratic Party's 51st Ward Committee.
13. Plaintiff Lopez Jones relation to, and association with, his mother in law, Vivian Miller, did not did not enhance, impede or interfere with Plaintiff's performance of his duties as Contract Compliance Officer for the Office of the Philadelphia City Controller.
14. Plaintiff Lopez Jones engaged in constitutionally protected conduct when he associated and affiliated with his mother in law, Vivian Miller.
15. Defendant Rebecca Rhynhart was the winner of the Democratic Party's May 16, 2017 Democratic Party Primary election for Controller of the City of Philadelphia.
16. Defendant Rebecca Rhynhart was the winner of the November 6, 2017, General Election for Controller of the City of Philadelphia.
17. Because Plaintiff Lopez Jones is related to, and closely associated with his mother in law, long time Ward Leader of the Democratic Party's 51st Ward, Vivian Miller, at all times material hereto, Defendant Rebecca Rynhart treated Plaintiff's employment with the Office of the City Controller of as being the product of Plaintiff's affiliation and association with a faction of the Philadelphia Democratic party labeled by some as "The Philadelphia Democratic Machine."
18. On or about December 14, 2017, Plaintiff received a voicemail from a person who identified herself as Heather Spangler. Ms. Spangler informed Plaintiff that she was calling on behalf of Defendant Rebecca Rhynhart and that Plaintiff was terminated from

employment with the Office of the Philadelphia City Controller. Days later, Plaintiff received a letter which also informed him that his employment had been terminated.

19. Plaintiff was terminated from his employment because Defendant associated and affiliated Plaintiff with the political actions, associations and affiliations of his mother in law, Vivian Miller, and the Committee in which Vivian Miller had held leadership positions.
20. Defendant Rebecca Rynhart has engaged in a practice and pattern of terminating the employment of persons closely associated with leaders or former leaders of the Philadelphia Democratic Party.
21. In carrying out her practice of terminating persons closely associated with leaders or former leaders of the Philadelphia Democratic Party, Defendant Rynhart has terminated the employment of Frank Oliver, Jr., Liza Plaza and Plaintiff herein Lope Jones.
22. Plaintiff was terminated from his employment by Defendant because of his political affiliation and in violation of Plaintiff's constitutional rights as established by the First and Fourteenth Amendments to the United States Constitution, and 42 U.S.C. 1983.
23. The discharge of Plaintiff Lopez Jones, Jr., because of his political affiliation, was a violation of the First and Fourteenth Amendments to the United States Constitution and, therefore, a violation of 42 U.S.C § 1983.
24. The actions of the Defendant in firing Plaintiff Lopez Jones, were intentional and undertaken in reckless disregard of his federally protected right not to have his position as

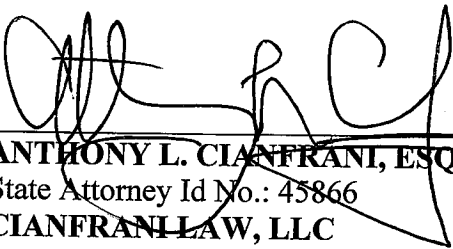
Contract Compliance Officer conditioned upon an affiliation or disaffiliation with a faction of political party.

25. The actions of the Defendant were in conscious disregard of the constitutional rights of Plaintiff and deprived him, under color of state law, of belief and association under the First and Fourteenth Amendments to the Constitution of the United States.

26. As the direct and proximate result of the actions of the named Defendant as stated herein, Plaintiff Lopez Jones has suffered and continues to suffer the following damages for which he seeks relief:

- a. Loss of annual salary of \$85,000.00;
- b. Loss of employment benefits;
- c. Plaintiff seeks restoration of all lost salary and benefits to date;
- d. Plaintiff seeks reinstatement to his appointed position as Contracts Compliance Officer for the Office of the Philadelphia City Controller;
- e. Plaintiff seeks the costs and expenses of this litigation, and counsel fees pursuant to 42 U.S.C. 1988;
- f. Plaintiff seeks any other relief this Honorable Court deems appropriate, given the averments contained herein;
- g. A Jury trial is demanded.

BY:



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